

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF TEXAS
3 DALLAS DIVISION

4 UNITED STATES OF AMERICA,) 3:21-CR-236-E(2)
5 GOVERNMENT,)
6 V.) DALLAS, TEXAS
7 WILLIAM ROY STONE, JOSEPH)
8 DELEON)
9 DEFENDANTS.) AUGUST 1, 2023

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16 TRANSCRIPT OF
17 JURY TRIAL
18 VOLUME 6B

19 BEFORE THE HONORABLE ADA E. BROWN
20 UNITED STATES DISTRICT JUDGE
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1 A P P E A R A N C E S
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1 (P R O C E E D I N G S)

2 THE COURT: Outside the presence of the jury,
3 the lawyers have asked to talk with the Court. And the Court
4 is listening.

5 MR. SELLERS: Your Honor, before we broke, there
6 was an implication through text message that Joseph DeLeon had
7 some sort of sexual motivation to be doing any of this stuff to
8 Casi. Parties had agreed we would not -- Casi had sent a lot
9 of rather explicit photos to Joe, and we had agreed that we
10 would not go into any of that stuff. But now since that's been
11 the implication left before the jury, I think we're going to
12 have to show the jury that she was actively participating in
13 this sort of flirtatious relationship that they had.

14 And so I think that I'm going to have to offer
15 it just to show that it's not quite what they're making it out
16 to be and to clear up that implication. I just wanted to raise
17 that before -- so that we can keep the thing moving when we
18 start.

19 THE COURT: Sure. Okay. And what is it that
20 you believe raised it? I -- something about a bubble bath; is
21 that what we're talking about?

22 MR. SELLERS: Yes, Your Honor.

23 THE COURT: Okay. Government, what's your
24 response?

25 MS. RUDOFF: Your Honor, Government's

1 Exhibit 38, which are all the text messages between Casi
2 Thompson and Joe DeLeon, which is where the message that I
3 referred to is located. There are other text messages in there
4 that have been admitted that relate to this back-and-forth
5 between Casi Thompson and Joe DeLeon. The only thing that had
6 been redacted out and that wouldn't go to the jury were the
7 physical nude photos themselves. But the conversations about
8 them were not.

9 Additionally, the conversations relate to her
10 body, working out, losing weight, in that regard.

11 THE COURT: So let's go off the record for a
12 second.

13 (Off-the-record discussion.)

14 THE COURT: Outside the presence of the jury,
15 the Court has discussed off the record how best to deal with
16 this.

17 Defense counsel, if the government gets up and
18 you guys can come up with something written to close that door
19 and correct any impression the jury may have that there was
20 either romantic longing by your client or romantic relationship
21 with your client and Ms. Thompson, will that suffice to resolve
22 your issues?

23 MR. SELLERS: It would suffice to maybe -- so we
24 wouldn't have to put the nudes in, yes, ma'am.

25 THE COURT: Okay. Gotcha. It'll quell your

1 concerns about misrepresentations and implications.

2 MR. SELLERS: I think so.

3 THE COURT: Okay. Government, are you willing
4 to do that?

5 MS. RUDOFF: Absolutely, Your Honor.

6 THE COURT: All right. So why don't we
7 front-load that.

8 What say you, Counsel for Mr. Stone?

9 MR. GALLIAN: I agree that it was left with the
10 impression with the jury, I think, that Joe was hitting on her
11 and being very inappropriate, and honestly kind of creepy. So
12 I do think that it needs to be cleared up. I also agree that
13 we do not need to go into nudie land, because we would be there
14 for a very, very long time.

15 THE COURT: Yeah, I think that's best. So are
16 you all right with this resolution?

17 MR. GALLIAN: I am, Your Honor.

18 THE COURT: Okay. Great.

19 Off the record.

20 (Off-the-record discussion.)

21 (Brief recess.)

22 (Jurors enter courtroom.)

23 THE COURT: Government, your witness.

24 CASI THOMPSON,

25 having been previously sworn, testified as follows:

1 REDIRECT EXAMINATION

2 BY MS. RUDOFF:

3 Q. Casi, I want to clarify and make sure that we are
4 clear about the relationship you had with Joe DeLeon and the
5 relationship Joe DeLeon had with you, okay?

6 A. Okay.

7 Q. There was never any point in time when you and
8 Joe DeLeon were anything other than friends, right?

9 A. Right.

10 Q. And while both of you may have sent funny or
11 flirtatious text messages back and forth, that was no
12 indication of a sexual relationship, right?

13 A. Right.

14 Q. On either side?

15 A. Right.

16 Q. And there was never a romantic relationship between
17 you and Joe DeLeon, correct?

18 A. Correct.

19 Q. And that you weren't interested in a sexual or
20 romantic relationship with Joe DeLeon at any time, right?

21 A. Right.

22 Q. And that in the same way, Joe DeLeon was not
23 interested in a sexual or romantic relationship with you,
24 right?

25 A. Right.

1 Q. I want to turn to your relationship with Bill Stone.
2 And we're just going to quickly create a timeline to make sure
3 we're clear, okay?

4 A. Okay.

5 THE COURT: Just pause for a second.

6 (Off-the-record discussion.)

7 Q. Casi, Mr. Gallian, on cross-examination, he went
8 through with you and talked about all the hours on the phone in
9 2015 between you and Bill Stone. Do you recall that?

10 A. Yes.

11 Q. Okay. So I'd like to start our timeline in 2015; is
12 that okay?

13 A. Yes.

14 Q. And for ease and quickness purposes, Ms. Max is going
15 to do my writing. But please let me know if something is
16 incorrect, okay?

17 A. Okay.

18 Q. So in 2015, is it fair to say you spent time talking
19 on the phone with Bill Stone?

20 A. Yes.

21 Q. And that time, it was indicated in the exhibit that
22 Mr. Gallian created with you, right?

23 A. Yes.

24 Q. At that point in time, how often did you see Bill
25 Stone in person?

1 A. I believe during that time frame, it was probably
2 twice.

3 Q. So just a couple times?

4 A. Right.

5 Q. And where did you understand that, at the time, Bill
6 Stone lived?

7 A. Washington, D.C.

8 Q. So in 2015, at any point was Bill Stone your
9 boyfriend?

10 A. No.

11 Q. Once the secret probation began at the end of 2015,
12 was Bill Stone your boyfriend?

13 A. No.

14 Q. In 2015, once on secret probation, did you have to
15 provide financial payments to Bill Stone related to your secret
16 probation?

17 A. Yes.

18 Q. I want to move on to 2016. Mr. Gallian, during his
19 cross-examination, insisted to you that you were in a
20 relationship; you were -- Bill Stone was your boyfriend. Do
21 you recall that?

22 A. Yes.

23 Q. Where were you told Bill Stone was living in 2016,
24 before the house in Colleyville was purchased?

25 A. Washington, D.C.

1 Q. Being that you were told he lived in Washington,
2 D.C., how often would you see Bill Stone before he moved into
3 that house in Colleyville?

4 A. It was every time he flew in to take care of some
5 sort of criminal case.

6 Q. Is it fair to say that's more regularly than 2015?

7 A. Yes.

8 Q. Was anyone else with you the majority of the times
9 you were with Bill Stone in 2016?

10 A. Yes.

11 Q. Who would be with you?

12 | A. Joe.

13 Q. In 2016, did you ever tell anyone that Bill Stone was
14 your boyfriend?

15 A. No.

16 Q. As far as you know, did Bill Stone tell anyone that
17 in 2016 he was your boyfriend?

18 A. No.

19 MS. RUDOFF: Can we republish Stone's
20 Exhibit 156?

21 Q. Now, Casi, Mr. Gallian admitted this exhibit with you
22 on cross-examination, and he referred to the bottom portion of
23 it. Do you recognize this?

24 A. Yes.

25 Q. So I want to talk about another portion of this

1 document, okay?

2 A. Okay.

3 Q. And Mr. Gallian told you that this was a document
4 that was a part of the purchase agreement for the Mercedes that
5 you bought Bill Stone in 2016?

6 A. Yes.

7 Q. Did you fill out this document yourself?

8 A. No.

9 Q. What is the only portion of the document that is in
10 your handwriting?

11 A. The signature.

12 Q. Who was involved in the filling out of the documents
13 for the Mercedes purchase?

14 A. I would assume it was the salesman. I'm not sure.
15 I -- I don't know.

16 Q. Was Bill Stone involved in it?

17 A. Yes.

18 MS. RUDOFF: Can we highlight the portion in the
19 middle that says, "my relationship to the individual buying the
20 vehicle is."

21 Q. Casi, what does it say -- what does the text say at
22 the top of this portion?

23 A. It says, "my relationship to the individual buying
24 the vehicle is."

25 Q. And what is written in where it says "describe

1 relationship"?

2 A. Nothing.

3 Q. So you didn't write in girlfriend, right?

4 A. Right.

5 Q. Fair to say neither did Bill Stone?

6 A. Right.

7 Q. And earlier we talked about texts that were deleted
8 from your phone. Do you recall that?

9 A. Yes.

10 Q. Were the texts that were deleted in 2016?

11 A. Yes.

12 Q. So would you -- would your testimony still be that in
13 2016 Bill Stone was not your boyfriend?

14 A. Yes.

15 Q. Okay. In 2016, were the rest of the financial
16 transactions that you had to give Bill Stone and Joe DeLeon for
17 your secret probation during that year?

18 A. Yes.

19 Q. Now, I want to move on to 2017 through 2019. Where
20 was Bill Stone living at this time?

21 A. In Colleyville.

22 Q. And how often would you and Bill Stone spend time
23 together?

24 A. I would say -- I don't know, maybe twice a week, or
25 three times. It's hard to say.

1 Q. It's fair to say more often than before?

2 A. Yes.

3 Q. And would that often be alone?

4 A. It was beginning to be more time alone, yes.

5 Q. And so at some point in that time frame, did Bill
6 Stone become your boyfriend?

7 A. Yes.

8 Q. Would you tell people he was your boyfriend?

9 A. I started to. That was closer to the end of 2017.
10 So it was when I actually was -- I was around people when I
11 started working in 2018, is when I would have -- when I would
12 refer to him as my boyfriend.

13 Q. And in fact, you testified you did
14 boyfriend-girlfriend-type things like go on vacation together
15 during that time frame, right?

16 A. Yes.

17 Q. At any point between 2017 and 2019, did you have to
18 pay or engage in any financial transactions related to your
19 secret probation?

20 A. No.

21 Q. So, Casi, for purposes of the record, I'm going to go
22 over what, based on your testimony, we've put on this piece of
23 paper. So from 2015, Bill Stone was not your boyfriend, right?

24 A. Right.

25 Q. And below it, it says "yes," and a dollar sign for

1 money; is that correct?

2 A. Yes.

3 Q. And in 2016, the piece of paper says "not boyfriend,"
4 right?

5 A. Right.

6 Q. And below it, it says "yes," dollar sign for money?

7 A. Yes.

8 Q. And from 2017 to 2019, it says "boyfriend," right?

9 A. Right.

10 Q. And below it, it says "no," dollar sign for money,
11 right?

12 A. Right.

13 Q. If there had not -- if you had not believed you were
14 on secret probation, would Bill Stone have been your boyfriend?

15 A. No.

16 Q. If you had not believed you were on secret probation,
17 would you have ever given Bill Stone more than 700,000 in cash,
18 property and vehicles?

19 A. No.

20 MS. RUDOFF: Pass the witness.

21 THE COURT: All right. Everybody doing okay,
22 members of the jury?

23 (Respond affirmatively.)

24 THE COURT: All right.

25 RECROSS-EXAMINATION

1 BY MR. GALLIAN:

2 Q. Casi, I really didn't want to have to ask you any
3 questions, but I do have to clean up some things, okay?

4 A. Okay.

5 Q. Last chance, you want to change anything about that
6 timeline?

7 A. No.

8 Q. Are you sure?

9 A. 100 percent.

10 Q. Okay. This ring purchase --

11 A. Uh-huh.

12 Q. -- that you bought from Bill, you mentioned it in our
13 cross-examination that you thought it could be the \$9,000
14 payment, right?

15 A. I wasn't sure.

16 Q. Okay. You met with agents in 2019, 2020, 2021 and
17 2022, right, to investigate this case?

18 A. As far as -- I met with them several times.

19 Q. You understand that this case, before we started this
20 trial, it was actually supposed to be scheduled to go to trial
21 in February, right?

22 A. Yes.

23 Q. And it was continued at the last second?

24 A. Yes.

25 Q. Okay. In June, June 27th to be specific, of this

1 year, you sat down with the agent Brian Luley in this case,
2 didn't you?

3 A. I don't know the exact date.

4 Q. Okay. Well, that's when you guys talked about the
5 ring for the first time ever. How did that conversation start?

6 A. I'm not sure.

7 Q. Can I take a guess?

8 A. If you would like.

9 Q. In February, we filed all of our exhibits for this
10 trial. And we obviously went through a lot of the exhibits
11 that I went through with you showing the ring pictures, right?

12 A. Okay.

13 Q. When you sat down with Brian Luley, did he show you a
14 picture of the ring?

15 A. I don't think so.

16 Q. So you guys just randomly met in June 2023, and you
17 just happened to bring up the ring?

18 A. I -- I'm not sure how it got brought up.

19 Q. That's the only thing that was on the report for that
20 day, was that you discussed the ring. You don't remember that
21 meeting? It was only a month ago.

22 A. I've had several meetings. I'm not sure how the ring
23 got brought up.

24 Q. Okay. Do you recall Brian Luley showing you a bunch
25 of pictures of rings?

1 A. I recall seeing pictures of rings.

2 Q. Okay. And after seeing those pictures of rings,
3 that's when you told them that you bought a ring from Bill
4 Stone; is that right?

5 A. No.

6 MR. GALLIAN: May I approach the witness, Your
7 Honor?

8 THE COURT: You may.

9 (Documents tendered.)

10 Q. Have you had a chance to review it?

11 A. Yes, I remember that day.

12 Q. Okay. Let's talk about that day.

13 A. Okay.

14 Q. How did the ring come up?

15 A. Bill said he had a friend --

16 Q. No, no, no. June 27th, 2023, how did the ring come
17 up?

18 A. I -- I don't know how it was first brought up.

19 Q. Okay. You remember seeing pictures, though, right?

20 A. I don't -- I don't recall any of -- exactly how the
21 ring was brought up. All I recall is how the ring was put in
22 my possession.

23 Q. How did you remember how much you paid for the ring?

24 A. I was -- I don't remember.

25 Q. Were you going to say you were shown bank records?

1 A. No, I was going to say I was giving a rough estimate.

2 Q. Okay. Yesterday during my cross I talked to you
3 about the amount of the cashier's check that you gave for
4 y'all's house in Colleyville.

5 A. Uh-huh.

6 Q. And you said it was 130-something-thousand. Do you
7 remember that?

8 A. Right.

9 Q. But somehow you miraculously remember to the penny
10 that you paid \$7,490 for that ring?

11 A. Yes.

12 Q. How did you and Bill Stone arrive at that number?

13 A. He told -- that was -- it was for his friend. He was
14 selling it for his friend.

15 Q. How did you get to the number?

16 A. He told me the number.

17 Q. Did he start at 8,000 and you said 7,000?

18 A. No.

19 Q. And then he said 7,500?

20 A. I don't recall that. He told me the number. I got
21 the -- and I paid for it.

22 Q. Okay. That's different from what you told the agents
23 in June 2023, isn't it?

24 A. I don't think so.

25 Q. Read the paper.

1 A. Yes.

2 Q. Okay. What you told the agents was that you withdrew
3 \$7,490. You had that cash and then gave it to Bill Stone for
4 the ring, right?

5 A. What it says here is that he told me how much and
6 then I went and withdrew the money.

7 Q. Is it your testimony that during that sit-down with
8 Brian Luley, he did not show you one single bank record?

9 A. I believe we were discussing different purchases or
10 withdrawals.

11 Q. So he provided a list of withdrawals to you?

12 A. No, he didn't provide me anything.

13 Q. Okay. So when I asked about the ring yesterday, why
14 didn't you mention \$7,490 to me?

15 A. Because I wasn't sure of the amount.

16 MR. GALLIAN: Brief moment, Judge.

17 (Sotto voce discussion.)

18 MR. GALLIAN: Your Honor, I'll pass the witness.

19 Thank you, Ms. Thompson.

20 THE COURT: All right.

21 RECROSS-EXAMINATION

22 BY MR. SELLERS:

23 Q. Casi, I too was not going to ask you any more
24 questions; but you would agree with me you are easily
25 influenced, wouldn't you?

1 MS. RUDOFF: Objection, Your Honor, to the
2 sidebar.

3 MR. SELLERS: That's what this case --

4 THE COURT: Sustained.

5 Ask a question.

6 Q. You're easily influenced into what other people
7 think, are you not? That's why we're here, isn't it?

8 A. I feel I -- when based on fear, I believe I was
9 influenced easily, yes.

10 Q. All right. Ms. Rudoff asked you a question on direct
11 about that second call. And there's four of them. And for
12 time, I'm not going through them. But in the second call,
13 where Joe is asking you about a 3x5 card, do you remember that?

14 A. Yes.

15 Q. That Bill told him that he's doing your 3x5 cards,
16 yes?

17 A. Yes.

18 Q. And remember we talked about how you were told not to
19 tell anybody and Joe was told not to tell anybody by
20 Ranger Briley; you knew that, didn't you?

21 A. During the secret probation or after --

22 THE COURT: One at a time.

23 Q. When you're talking to Briley, you've been convinced
24 at that point that there is no secret probation, right?

25 A. Yes.

1 Q. All right. And Joe has been convinced that there is
2 no secret probation. And you two are talking on the phone,
3 right?

4 A. I had no idea that he hadn't -- that he was talking
5 to Dan Briley.

6 Q. And that he was told to stay in character and not
7 tell anybody about it; you didn't know that either?

8 A. I did not.

9 Q. Huh. Ms. Thompson, it seems like every time we go on
10 a break you come back and it all of a sudden becomes Bill and
11 Joe again. So let me break this down, okay? Let's talk about
12 this drug dog Queenie. You never saw a drug dog, did you?

13 A. No.

14 Q. You never saw Joe looking in your car for any pills
15 or anything like that, did you?

16 A. I did.

17 Q. You saw Joe in your car holding a pill that he found?

18 A. Him and Bill were both looking in my car.

19 Q. Who told you something was found?

20 A. Bill.

21 Q. Bill, right?

22 A. Yes.

23 Q. Not Joe?

24 A. Right.

25 Q. Who knew about the drug dog Queenie?

1 A. Bill.

2 Q. Not Joe?

3 A. I think he was aware that Bill was taking it in to
4 get looked at by Queenie.

5 Q. Right. Joe never told you he'd ever seen Queenie,
6 had he?

7 A. I don't recall.

8 Q. Again, the source of Queenie, the source of this
9 story about the drugs in your car came from Bill, didn't it?

10 A. Yes.

11 Q. And not Joe, right?

12 A. Correct.

13 Q. Casi, do you remember yesterday when we talked about
14 the text you sent Joe, where you said, Are you sure you don't
15 want to come over? Do you remember that one?

16 A. I don't remember the context.

17 Q. Okay. So you don't remember all the bras and panties
18 and stuff that you sent to Joe?

19 A. The Victoria's Secret?

20 Q. Uh-huh. Yes.

21 A. It was -- yes.

22 Q. Joe never made any sort of inappropriate pass at you,
23 did he?

24 THE COURT: Hold on just a moment.

25 MS. RUDOFF: Objection, Your Honor, as to the

1 relevance.

2 THE COURT: Let's take a stretch break for just
3 a moment, jury.

4 (Jurors exit courtroom.)

5 (Off-the-record discussion.)

6 (Jurors enter courtroom.)

7 THE COURT: Your witness.

8 Q. Fair to say that you and Joe had a flirtatious
9 relationship in exchange of text messages, yes?

10 A. It was flirty sometimes.

11 Q. And Joe is older than Bill, right; clearly?

12 A. Right.

13 Q. And Bill was too old for you, right?

14 A. Right.

15 Q. And nevertheless, you were sending Joe pictures of
16 your bras and stuff that you bought, right?

17 A. It was a Victoria's Secret purchase.

18 Q. You were sending pictures of your bras, right?

19 A. They were laid out on my bed.

20 Q. Did you or did you not send your bras to Joe?

21 A. I sent pictures of what I just went and bought.

22 Q. You'd also sent pictures of yourself on the toilet;
23 do you recall that?

24 A. I don't.

25 Q. You've also sent other pictures to Joe, right?

1 A. I've sent several pictures to Joe.

2 Q. But you never -- Joe never made any sort of
3 unthwarterd advances to you, did he?

4 A. I -- can you rephrase it?

5 Q. Sure. Joe never made any sort of actual serious
6 advance on you sexually, did he?

7 A. No.

8 Q. Just seemed like you were trying to imply that
9 earlier, so I wanted to clear that up.

10 The last thing I want to talk to you about is --
11 we talked on redirect about you and Joe's friendship, how Joe
12 misspelled your name in his phone. You know that Joe's first
13 language is not English, right?

14 A. I didn't know that.

15 Q. Joseph DeLeon; you didn't know that? You've heard
16 Joe speak Spanish before, haven't you?

17 A. I have heard him speak Spanish before.

18 Q. And he goes to Mexico frequently; you knew that too,
19 right?

20 A. I did not.

21 Q. All this stuff, all this time on redirect, I didn't
22 hear a single question about whether or not -- and maybe I
23 missed it; and you tell me if I'm wrong -- whether you've
24 become more sure or less on the fence about whether or not Joe
25 believed Bill was in the FBI and the probation was real. I

1 didn't hear any questions about that, did you? From her, did
2 you?

3 A. I don't know what he thinks or what he believes.

4 You'll have to ask him.

5 Q. Right.

6 MR. SELLERS: Pass the witness.

7 THE COURT: All right.

8 MS. RUDOFF: Nothing further from the
9 government, Your Honor. May this witness be excused?

10 THE COURT: Any objection?

11 MR. SELLERS: Subject to recall, Your Honor.

12 THE COURT: Subject to recall?

13 MR. GALLIAN: Yes, Your Honor.

14 THE COURT: All right.

15 So, ma'am, you are excused. You may step down.

16 Thank you.

17 MS. MAX: Government calls Timothy Bell.

18 THE COURT: All right.

19 (Witness sworn.)

20 THE COURT: Your witness, ma'am.

21 TIMOTHY BELL,

22 having been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. MAX:

25 Q. Mr. Bell, what do you do for a living?

1 A. I am an investigator for ethics compliance division.
2 I'm from one of the big four accounting firms.

3 Q. And how long have you had that job?

4 A. Just under two years.

5 Q. And what did you do prior to that?

6 A. I was an FBI agent.

7 Q. For how long?

8 A. 22 years.

9 Q. And were you ever based out of the D.C. office?

10 A. Yes.

11 Q. Okay. Tell the jury what you were doing at the D.C.
12 office.

13 A. I did a number of things in the D.C. office, but I
14 worked in counterterrorism division starting in 2010. And I
15 worked on the National Joint Terrorism Task Force for a number
16 of those years.

17 Q. Were you -- did you end your career as a supervisory
18 special agent with the FBI?

19 A. Yes, I retired in the criminal investigative division
20 in October 31st of 2021.

21 Q. Were you working at the D.C. office -- D.C. FBI
22 office in 2014 and 2015?

23 A. Yes.

24 Q. During that time, did Bill Stone come under your
25 supervision?

1 A. Yes, I was the acting unit chief for periods -- for
2 about 22 months during that time.

3 Q. So explain to the jury what role Bill Stone was in.

4 A. So Bill Stone was selected for an 18-month
5 temporary-duty position to be transferred from Dallas to the
6 National Joint Terrorism Task Force, which is under the
7 counterterrorism division. And he was assigned as a
8 supervisory special agent to be a program manager of the FBI's
9 civil aviation security program.

10 Q. What -- just briefly tell the jury what is the civil
11 aviation program.

12 A. So the Civil Aviation Security Program is a program
13 that maintains the airport liaison agents. So the FBI has
14 agents at all major airports, and so we want to make sure that
15 the FBI is in a position and has the -- either people assigned
16 to those airports or relationships with those airports. So the
17 liaison part of that is having those relationships and managing
18 the hundreds of agents that are serving as airport liaison
19 agents.

20 Q. And when you say that the defendant was in the Dallas
21 office and then came to the D.C. office for -- and was that
22 just for an 18-month period he was meant to be there?

23 A. Yes.

24 Q. And that kind of -- did you call it a detail?

25 A. It's called a TDY, temporary duty.

1 Q. Okay. So is the 18-month temporary duty assignment,
2 is that something common within the FBI?

3 A. It's very common. You have the option -- a lot of
4 times a lot of those positions you have the option of taking it
5 to 18-month temporary-duty assignment or getting a permanent
6 relocation, a permanent transfer.

7 Q. So do you know, did Bill Stone come to D.C. with that
8 temporary-duty assignment in 2014?

9 A. Yes.

10 Q. And once he was there, do you know if Bill Stone was
11 interested in getting one of those permanent assignments at the
12 D.C. office?

13 A. Yes.

14 Q. Did he specifically bring up the topic with you?

15 A. Yes.

16 Q. Was he offered a permanent position in the D.C.
17 office?

18 A. No.

19 Q. Okay. And would this have been in 2015 that you're
20 having this conversation with Mr. Stone?

21 A. Yes.

22 Q. Just to clarify, when you had mentioned that he was
23 in the aviation unit, does that unit have anything to do with
24 North Korea?

25 A. No.

1 Q. Hillary Clinton's e-mails?

2 A. No.

3 Q. Benghazi?

4 A. No.

5 Q. Talking to detainees at Guantanamo Bay?

6 A. No.

7 Q. Okay. While Mr. Stone was in D.C., was he nearing
8 mandatory retirement age with the FBI?

9 A. Yes.

10 Q. Explain to the jury what mandatory retirement within
11 the FBI is.

12 A. So special agents in the FBI are required to retire
13 at age 57. So you have to have -- also have 20 years of
14 service. So you can't be hired being older than 37 because
15 you're required to have those 20 years of service and required
16 to retire by 57.

17 Q. And was Mr. Stone someone who is eligible for that
18 mandatory retirement?

19 A. Yes.

20 Q. So he was nearing age 57 and had the 20 years of
21 experience?

22 A. Yes.

23 Q. When it says mandatory, is that the only option for
24 retirement within the FBI?

25 A. No. There -- you can apply for waivers, one year of

1 waivers. And you get approved one year at a time to stay on
2 for up to an additional three years.

3 Q. Okay. So you could ask for up to three years to put
4 off your retirement?

5 A. Yes, in one-year increments.

6 Q. Did you talk to Mr. Stone about whether he wanted to
7 take the mandatory retirement or whether he wished to extend it
8 and put it off?

9 A. I did have a conversation at the same time when we
10 spoke about him wanting to become a permanent assignee to
11 headquarters. I had that same -- in that same conversation,
12 he -- he did mention wanting to possibly apply for an
13 extension.

14 Q. Okay. And do you know, did Mr. Stone receive an
15 extension on his retirement?

16 A. I don't know that he applied for them, but he did not
17 receive one.

18 Q. And have you had an opportunity to review
19 Government's Exhibit Number 1?

20 A. Can I --

21 MS. MAX: Your Honor, may I approach?

22 THE COURT: You may.

23 (Documents tendered.)

24 A. Yes, I have.

25 Q. And you're familiar with the information related to

1 this form, correct?

2 A. Yes.

3 Q. Okay.

4 MS. MAX: At this time, Government moves to
5 admit Government Exhibit Number 1.

6 MS. GALLIAN: No objection.

7 MR. SELLERS: No objection.

8 THE COURT: Admitted.

9 MS. MAX: Permission to publish, Your Honor?

10 THE COURT: Granted.

11 Q. Okay. Explain to the jury what is this form we're
12 looking at in Government Exhibit 1.

13 A. This is a standard Form 50, or also known as an SF
14 50.

15 Q. Okay. And what is it titled?

16 A. It's a Notification of Personnel Action.

17 Q. And is this a form that you have seen many times in
18 your FBI career?

19 A. Yes.

20 Q. And explain to the jury what information is being
21 conveyed in this type of form.

22 A. So any time you're promoted or your pay scale
23 increases, you would get a notification -- this form would be
24 filled out. So if you were promoted to a higher level or if
25 you got an annual step increase, you'd get a notification that

1 your position or salary has changed.

2 Q. And what about if you're retiring?

3 A. You would also get one when you retire.

4 Q. And is Government Exhibit 1 the Notification of
5 Personnel Action form for William Roy Stone?

6 A. Yes, it is.

7 Q. And what does it list as the effective date of his
8 retirement?

9 A. October 31st, 2015.

10 Q. And what is the nature of the action on the form?

11 A. Retirement mandatory.

12 Q. Once Mr. Stone knew that he was not going to have a
13 permanent position in D.C., and was not going to have extended
14 retirement, did you ever have a conversation with him about
15 what he would do post-retirement?

16 A. I -- at some point, yes, I had conversations with him
17 as he approached retirement about looking for retirement
18 employment.

19 Q. Was it your understanding that he was looking for
20 jobs post-retirement?

21 A. Yes, it was.

22 Q. When an agent retires, does the FBI have any sort of
23 pension program?

24 A. Yes, it does.

25 Q. Just briefly explain to the jury how that's set out,

1 without getting into a lot of numbers and percentages.

2 A. Well, you get 1.7 percent a year for your first
3 20 years. Ultimately, after 20 years of service, you're
4 entitled to a 34 percent -- 34 percent of your top three -- of
5 your highest three years of salary.

6 Q. Okay. So is the pension based on years of service?

7 A. Yes.

8 Q. And your highest three salaries?

9 A. Yes.

10 Q. And they do some sort of percentage calculation and
11 spit out a number to you?

12 A. Yes.

13 Q. Once you go on retirement, do those monthly pension
14 benefits immediately kick in?

15 A. They start about a month after you retire. And you
16 get a partial payment.

17 Q. Okay. So does that mean that you -- you don't skip?
18 Like you retire, and the next month you're already getting your
19 pension payments from here on out?

20 A. Yes, initially you get a reduced payment. It takes
21 them some period of time for the office of personnel management
22 and the national finance folks to finalize what your exact
23 amount will be. So that takes a -- a -- it's advertised as 2
24 to 4 months.

25 Q. Okay. So you're saying the office of personnel

1 management advertises that it's going to take 2 to 4 months for
2 you to start receiving your monthly -- is it a monthly benefit?

3 A. Yes.

4 Q. -- your monthly pension benefit?

5 A. Yes.

6 Q. Generally, what is the experience of individuals of
7 how long it takes?

8 A. Takes much longer. In my case, it took over nine
9 months before they finalized my -- before I received the full
10 benefit.

11 Q. So is it common that once you retire, there's
12 actually a lag before you start getting your pension payments?

13 A. Yes, it's known that you can't rely on the -- what
14 they tell you it will be.

15 MS. MAX: Pass the witness.

16 CROSS-EXAMINATION

17 BY MS. GALLIAN:

18 Q. Good afternoon, Mr. Bell. My name is Jaclyn Gallian.
19 I'm one of the attorneys representing Bill Stone. I only have
20 a few questions for you today.

21 A. Okay. Thank you.

22 Q. Right off the bat, so you said you retired
23 October 31st, 2021?

24 A. Yes.

25 Q. Was that mandatory retirement for you?

1 A. No, it was not.

2 Q. Okay. It's just interesting, because that's when
3 Bill Stone retired, October 31st; and it was his mandatory
4 birthday retirement. I didn't know if you shared the same
5 birthday.

6 A. No.

7 Q. Okay. Now, you spoke about possibly getting an
8 extension from the mandatory retirement. I believe I wrote
9 down that you did not know if he applied for one; is that true?

10 A. I don't know that he applied for one, no. It's -- I
11 don't know that.

12 Q. Okay. With respect to the extension, is there -- is
13 there any type of testing, like a physical fitness test or any
14 type of qualifier for the extension?

15 A. There's a -- there's an application process. And
16 I -- I think it has requirements with firearms and that, but I
17 don't know if it's anything beyond what all agents have. You
18 basically have to maintain the standard in order to get an
19 extension. That's my understanding.

20 Q. Okay.

21 A. If there's a formal application process, I believe it
22 has to be approved by the director of the FBI. So they're not
23 that common.

24 Q. Okay. So you said "not that common." Is it common
25 for agents, once they reach the mandatory requirement age, to

1 get the extension?

2 A. I've known of some. But it's not -- I've also known
3 of some very high-qualified people who didn't get the
4 extension.

5 Q. Okay.

6 MS. GALLIAN: Thank you, Mr. Bell.

7 Pass the witness.

8 MR. WESTFALL: No questions, Your Honor.

9 THE COURT: All right.

10 MS. MAX: Your Honor, may we release this
11 witness?

12 THE COURT: Any objection to me releasing this
13 witness?

14 MR. WESTFALL: No, Your Honor.

15 MS. GALLIAN: No, Your Honor.

16 THE COURT: All right. Thank you.

17 MS. MAX: The government calls James Marcano.

18 JAMES MARCANO,

19 having been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. MAX:

22 Q. Mr. Marcano, can you please spell your last name for
23 the record.

24 A. M-A-R-C-A-N-O.

25 Q. And, Mr. Marcano, what do you do for a living?

1 A. I do tech support, lead for my company SpoofCard, or
2 Momentum.

3 Q. I'm sorry, you said -- you're going to have to --
4 you're a fast-talker like me, Mr. Marcano. So for the court
5 reporter's sake right there, we're going to have to slow down
6 just a little bit.

7 A. No worries, okay.

8 Q. So you do tech support for SpoofCard; is that what
9 you said?

10 A. Yes.

11 Q. And how long have you been in that position?

12 A. I've been in that position for four years.

13 THE COURT: Can I pause you for just a moment.

14 (Court instruction.)

15 Q. Mr. Marcano, explain to the jury what is SpoofCard.

16 A. SpoofCard is a app that we've created that kind of
17 helps to mask caller ID for privacy purposes.

18 Q. So you say it's an app that -- is that what goes on
19 your phone or computer?

20 A. Yes.

21 Q. Okay. How long has it been around?

22 A. It's been around for quite a while. Ten-plus years.

23 Q. Okay. And where can a user get the app and put the
24 app on their device?

25 A. Yeah, so you can either go onto our website,

1 spoofcard.com, or you can download it right onto your phone;
2 Google or Android or iPhone.

3 Q. And does it actually have like a little -- you'll get
4 like a little app icon --

5 A. Yes.

6 Q. -- with SpoofCard? Okay. Explain to the jurors
7 exactly what the customers of SpoofCard are coming to your app
8 or website to be able to do.

9 A. Yeah, so mainly what the app was designed for was
10 privacy purposes. So, like, let's say if you're a doctor
11 trying to call your patient to give them like test results or
12 anything, and they don't want to hand out their personal cell
13 phone, they can use SpoofCard to mask their caller ID and call
14 their patient.

15 Q. Okay. So is the main function of SpoofCard to mask a
16 phone number?

17 A. Yes.

18 Q. Okay. Is there anything else that users of SpoofCard
19 could do?

20 A. Yes. We have features like call recording, voice
21 changer, straight to voicemail, background noise. They can
22 also text from SpoofCard as well.

23 THE COURT: Can you slow down just a little bit
24 slower.

25 Q. And to be clear, I should clarify, when you say that

1 they can mask a number, are you talking about like your
2 customer going onto SpoofCard and being able to mask their own
3 phone number?

4 A. Yes.

5 Q. From somebody else who's going to receive a call from
6 them?

7 A. Yes.

8 Q. And are you also saying that they are able to mask --
9 you can mask your phone number so that a person who's receiving
10 a text message from you would not see your real phone number?

11 A. Yes.

12 Q. When you say mask the number, does that mean that the
13 person who's receiving the phone call or receiving the text
14 message would see no phone number at all?

15 A. No, they will see the phone number that was chosen to
16 show up on their caller ID.

17 Q. And who would choose the phone number that was --
18 that shows up on their caller ID?

19 A. The user that is -- that has the app downloaded.

20 Q. Okay. So the user can pick a phone number and make
21 that phone number appear on a person's phone when they're
22 calling that phone?

23 A. Yes.

24 Q. Same thing, they can pick a phone number and make
25 that phone number appear when they're texting another person?

1 A. Yes.

2 Q. And then let's go through again. You said the other
3 features -- let's go through one by one. What were the other
4 features SpoofCard can do?

5 A. They are voice changer; meaning you can change your
6 voice from male or female. Background noise. There's a --
7 multiple ones. We have casino, airport, I think -- there's a
8 lot --

9 Q. You create background noises?

10 A. Yes.

11 Q. Okay.

12 (Court instruction.)

13 Q. What is the feature after background noises, what's
14 another feature SpoofCard has?

15 A. Another feature SpoofCard has is call recording.
16 Also, the last feature that we will have would be straight to
17 voicemail.

18 Q. Okay. So the call recording, is that where somebody
19 can record the call that they're placing through the SpoofCard
20 app?

21 A. Yes.

22 Q. And then you said the last feature was straight to
23 voicemail. Can you explain what that means?

24 A. If -- once you activate or enable that feature, what
25 it does is -- it kind of does what it says; it goes straight to

1 voicemail. It will not ring to the other party, but it will go
2 straight to the other party's voicemail.

3 Q. And have you had an opportunity to review
4 Government's 61, the SpoofCard records associated with this
5 case?

6 A. Yes.

7 MS. MAX: At this time, Government moves to
8 admit Government 61.

9 MR. GALLIAN: No objection.

10 MR. WESTFALL: No objection, Your Honor.

11 THE COURT: Admitted.

12 MS. MAX: Permission to publish?

13 THE COURT: Granted.

14 Q. Unfortunately, Mr. Marcano, we can't do -- the nature
15 of this, but -- we can't blow it up any larger. But on the
16 Account section, where it says "e-mail address," do you see an
17 e-mail address entered?

18 A. Yes, I do.

19 Q. And is that airsig@yahoo.com?

20 A. Yes.

21 Q. Explain to the jury how that e-mail address gets in
22 this account information.

23 A. So that e-mail address is put into -- upon -- when
24 you sign up from the website. So that's the e-mail they choose
25 to input.

1 Q. When you sign up from the website, do you have to
2 sign up on a desktop or laptop computer or can you also sign up
3 through your phone?

4 A. No, it -- you can sign up through your phone as well.

5 Q. Okay. What is that explaining under the Member Since
6 box?

7 A. That Member Since box is the day they signed up for
8 SpoofCard.

9 Q. And is that reflected June 18th, 2019?

10 A. Yes.

11 Q. And then under Credentials, Credential Type: Phone,
12 what does that mean?

13 A. It means they signed up with their phone, like on
14 their phone.

15 Q. Meaning they accessed SpoofCard on their phone?

16 A. Yes.

17 Q. Do you know if that means they did it through the
18 website or they did it through the app?

19 A. They -- in --

20 Q. Or can you tell?

21 A. For credentials, I wouldn't be able to tell.

22 Q. Okay. And then under Identifier, it looks like
23 there's a phone number. What does that mean?

24 A. That phone number is the phone number that they chose
25 to sign up with.

1 Q. So is that the -- the -- usually the user's real
2 phone number?

3 A. It can be. But they can choose whatever phone number
4 they would like.

5 Q. And for the record, the phone number reflected under
6 Identifier in Government Exhibit 61 is 2863; is that correct?

7 A. Yes.

8 Q. Okay. And "is active," what does that mean?

9 A. That means the credential's still active on the
10 account.

11 Q. And is it indicated "yes" on this one?

12 A. Yes.

13 Q. And then "date created" on that credential, what does
14 that mean?

15 A. That is the date the credential was created. Same
16 thing as the -- as the account.

17 Q. Now, this says June 18th, 2019, at 2:00 p.m. Do you
18 know what time zone these records were in for this portion?

19 A. Yes, it will be in the time zone they created the
20 account.

21 Q. Moving down to -- can you move down to where we see
22 Access Tokens? And if we look down here under Access Tokens,
23 what does Provider Type mean?

24 A. Provider Type is where they -- is where they logged
25 in.

1 Q. Okay. And Application Name?

2 A. Is the application that they used to log in.

3 Q. Okay. So does this indicate, then, that this user
4 was logged in under -- using a phone, logged into the website?

5 A. Yes.

6 Q. Okay. And what does the Date Created box mean?

7 A. The Date Created box is the date and time that they
8 logged in.

9 Q. Okay. And is this like the first log in, the last
10 log in --

11 A. It would be their last log in.

12 Q. The last log in for this account?

13 A. Yes.

14 Q. So for this account, the airsig account, it's
15 July 20th, 2020; is that correct?

16 A. Yes.

17 Q. Okay. Now, let's go under the Call portion. And it
18 looks like the dates actually -- we need to start at the
19 bottom, right, to then move up.

20 A. Yes.

21 Q. You agree? Okay. So looking at the very last line
22 under Calls, we see the first column is Access Number. Explain
23 to the jury what that means.

24 A. Sure. The access number is a number that we provide.
25 That way they can dial in to use the SpoofCard service.

1 Q. Okay. So let's walk through with the jury if
2 somebody wants to use SpoofCard.

3 A. Uh-huh.

4 Q. Let's say to use the function of calling and changing
5 their phone number, okay? So how -- walk us through the steps
6 that a person would do to -- to do that.

7 A. Okay. Well, once you're logged in -- specifically
8 since this account was done through the website, I'll go
9 through the website process. Once you're logged in, you're
10 brought to your main dashboard where you can input the number
11 that you want to call. And then right after that, you can put
12 in the -- your -- the number that you want to show on the -- on
13 their caller ID.

14 Once that's done, you'll get a green button that
15 says "make a call." And you'll have to click it in order to
16 get the access number that is used to dial in and use the
17 SpoofCard service.

18 Q. Okay. So under that first column, then, from what
19 you've just explained, if I'm using the SpoofCard app, when I
20 want to make the spoof call, I'm going to call that access
21 number?

22 A. Yes.

23 Q. Okay. That's the number that's given to me to call
24 in?

25 A. Yes.

1 Q. Okay. What is under the real caller ID column?

2 A. The real caller ID column is the phone number, or the
3 phone that's being used to call into the access number.

4 Q. Okay. So it's like the real phone number of the
5 person that's making this spoof call?

6 A. Yes.

7 Q. Okay. And would you agree with me that for
8 June 18th, June 18th, June 18th and June 18th, on
9 Government 61, the phone number ends in 2863?

10 A. Yes.

11 Q. Okay. The next column is Spoof Number. Explain what
12 that is.

13 A. The spoof number would be the number that gets shown
14 on the recipient's caller ID; meaning the person that's
15 receiving the call.

16 (Court instruction.)

17 Q. So this is the phone number that the recipient sees?

18 A. Yes.

19 Q. And can the user of SpoofCard choose any number --
20 any phone number they want?

21 A. Yes.

22 Q. So for the June 18th calls reflected on this record,
23 is the phone number starting with an area code 512?

24 A. Yes.

25 Q. And is the number (512) 854-9244?

1 A. Yes.

2 Q. And column Destination Number, what does that mean?

3 A. The destination number would be the person that
4 received the call.

5 Q. And for the June 18th, the bottom three June 18th
6 calls, is that a phone number ending in 2932?

7 A. Yes.

8 Q. And under the Status column, what does "completed"
9 mean?

10 A. Completed means the call went through to the
11 destination number.

12 Q. And under the Recording column, explain what we see
13 here.

14 A. The Recording column would show if the call was
15 recorded or not. So in this case, there's two calls here that
16 are recorded. Under the recording, it says "yes."

17 Q. Okay. Going to -- let's just start now with the
18 Start Time column. And the very bottom line, June 18th, 2019,
19 at 2- -- 10:04 a.m. First of all, is that -- 10:04, is that
20 the local time for the user?

21 A. Yes.

22 Q. Was the voice changer function used on this call?

23 A. Yes, it was.

24 Q. And it says "man." Explain to the jury exactly what
25 that means.

1 A. That means that they chose the male voice changer
2 upon setting up their call.

3 Q. And how long was that phone call where they were
4 trying out the voice changer man?

5 A. That phone call lasted 39 seconds.

6 Q. Okay. Moving up to the next line, June 18th, 2019,
7 at 10:06 a.m., again, was the voice changer man used?

8 A. Yes.

9 Q. And how long was that call?

10 A. 30 seconds.

11 Q. Now, when I -- if you were the user of the SpoofCard,
12 and I'm doing the voice changer, as I'm talking into the phone
13 using the voice changer function, can I hear what my voice
14 sounds like changed?

15 A. No, only the recipient of the phone call can.

16 Q. Okay.

17 A. If they had recorded the call and used voice changer,
18 they would be able to hear the male voice changer.

19 Q. Okay. So moving up to the -- to the next line, then,
20 the line there in the middle, June 18th, 2019, at 10:07 a.m.,
21 we see there was a recording with this call, correct?

22 A. Yes.

23 Q. And then we see that voice changer man was used,
24 correct?

25 A. Yes.

1 Q. And so is this an example of what you were just
2 describing; that if you wanted to use the voice changer, you
3 would also have to record to be able to hear what the voice
4 changer sounded like?

5 A. Yes.

6 Q. Okay. And that was done here with this call at
7 10:07, correct?

8 A. Yes.

9 Q. And how long did this call last?

10 A. This call lasted 23 seconds.

11 Q. Moving on up in the line, then. Let's go to -- we've
12 got June 18th, 2019, at 10:06 -- 10:16, I'm sorry, a.m. Again,
13 what is the real caller ID under that line?

14 A. The real caller ID is (214) 422-2863.

15 Q. And what is the -- is the spoof number
16 (512) 854-9244?

17 A. Yes.

18 Q. And the destination number, is it ending in 8559?

19 A. Yes.

20 Q. And was that call completed?

21 A. Yes.

22 Q. Was the recording made of that call?

23 A. Yes.

24 Q. And the duration of that call was 5,653 seconds?

25 A. Yes.

1 Q. Mr. Marcano, would you agree with me that that
2 roughly -- that many seconds equals 94 minutes?

3 A. Yes.

4 Q. Okay. How does one -- well, first of all, does it
5 cost to use SpoofCard?

6 A. Yes, it does. You have to purchase credits in order
7 to make a call.

8 Q. And what is roughly the rate for the SpoofCard?

9 A. So our lowest package will start at 9.95 for 45
10 credits. We have another package that is 19.95 for 100
11 credits. We have another package that's 29.95 for 160 credits.
12 Another package that's 49.95 for 280 credits. And the biggest
13 package would be 99.95 for 600 credits.

14 Q. And is there anything that you can get free with the
15 SpoofCard?

16 A. You can get five credits free if you sign up on the
17 app.

18 Q. Okay. And that comes immediately to you?

19 A. Yes.

20 Q. And then does the voice changer function cost?

21 A. The voice changer will cost nothing extra.

22 Q. Okay. Does recording the call cost extra?

23 A. Yes, it will cost you one credit extra.

24 Q. Okay. For this SpoofCard account, this airsig
25 account, with all of this, do you -- so you're buying in

1 advance; is that correct?

2 A. Yes.

3 Q. Okay. So you -- you've paid up front and then you
4 get to use down your credits?

5 A. Yes.

6 Q. So how much was paid by airsig for this SpoofCard
7 account?

8 A. For this SpoofCard account, it was 29.95. So they
9 purchased 160 credits.

10 Q. Okay. And do we see on the credit card transactions
11 at the bottom, is the credit card that's used ending in 3292?

12 A. Yes.

13 Q. And does it look like the first credit card
14 transaction did not go through?

15 A. Yes.

16 Q. Did the second credit card transaction go through?

17 A. Yes, the second one did go through.

18 Q. And was that on June 18th, 2019, at 10:13 a.m.?

19 A. Yes.

20 Q. Okay. Now, when I showed you the chart, just prior
21 to going through some of those calls, you would agree with me
22 that there were the -- the very short calls, the 30-second
23 calls, those were made before 10:13 on that same date, correct?

24 A. Yes.

25 Q. Is that an example of where somebody would possibly

1 be using the free credits that they would get to sign up?

2 A. Yes.

3 Q. Okay. But then at 10:13 is when the payment was
4 made?

5 A. Yes.

6 Q. And just -- and again, that -- and again, the
7 94-minute call occurred at 10:16 on June 18th, correct?

8 A. Yes.

9 Q. When you use SpoofCard, you've made it clear that the
10 recipient of the call is seeing the phone number -- the spoof
11 number that's put in, right?

12 A. Yes.

13 Q. What shows up on the phone records of the recipient?

14 A. Ideally the spoof number will show up on -- you know,
15 on the records.

16 Q. So you're saying ideally the 512 number will show up
17 on the phone records of the person?

18 A. Yes.

19 Q. So the -- the recipient of the call, they're none the
20 wiser, right? They got a phone call and it's showing a 512
21 number?

22 A. Yes.

23 Q. And then once they get their phone records, it's also
24 going to show that 512 number?

25 A. Yes.

1 Q. Okay. So the deception is complete, right?

2 A. Yes.

3 Q. Okay. What shows up on the phone records of the
4 SpoofCard user, the customer?

5 A. It would be the access number that they dialed in to.
6 So in this case, it would be the (989) 256-0246.

7 Q. Okay. So that's what shows up on the customer's
8 phone records?

9 A. Yes.

10 Q. How long does SpoofCard maintain their recordings, if
11 you've chosen the recording function?

12 A. We retain the recordings for up to a year.

13 Q. And when somebody chooses the record function,
14 explain what they're getting in return.

15 A. So they'll just -- once they log in to their account,
16 as long as it's not anything not past the one-year mark,
17 they'll be able to listen to the call.

18 Q. So the recording is accessible to them through this
19 SpoofCard account?

20 A. Yes.

21 Q. Either a website or app?

22 A. Yes.

23 Q. Do they also have the option of downloading that
24 file?

25 A. Yes.

1 Q. And so what happens when they exercise that download
2 option?

3 A. They have the choice of keeping it on their computer
4 or hard drive, or they can delete it.

5 Q. Okay. So they're getting a file that they can then
6 save anywhere outside of the SpoofCard website or app?

7 A. Yes.

8 MS. MAX: Pass the witness.

9 THE COURT: Members of the jury, how are we
10 doing as far as do we need a break? We're doing good? Okay,
11 great.

12 Your witness.

13 MR. GALLIAN: Your Honor, I have so, so many
14 questions, but nothing related to this case. So we'll pass the
15 witness.

16 THE COURT: I think you just made a fan of the
17 jury.

18 MR. WESTFALL: No questions, Your Honor.

19 THE COURT: All right. Thank you.

20 Thank you so much for coming.

21 MS. MAX: Your Honor, may this witness be
22 excused?

23 THE COURT: Any objection?

24 MR. GALLIAN: No objection.

25 MR. WESTFALL: No objection.

1 THE COURT: Thank you, sir.

2 MR. BUSCH: Your Honor, the government will call
3 Timothy Gray.

4 | TIMOTHY GRAY,

5 | having been first duly sworn, testified as follows:

DIRECT EXAMINATION

7 | BY MR. BUSCH:

8 Q. Sir, would you state your name for the record?

9 A. Yes, Timothy Gray.

Q. How are you employed?

A. Verizon Wireless.

12 Q. How long have you been so employed?

13 A. Coming up on 25 years in two weeks.

14 Q. Are you stationed in Texas or elsewhere?

15 A. I'm in Tampa, Florida.

Q. Okay. What are your duties at Verizon?

17 A. It's kind of three-fold. I do small claims cases. I
18 do government agency work with the Better Business Bureau, the
19 FCC and a few others. And then I do custody of records work,
20 providing testimony whenever Verizon's records are utilized.

21 Q. Okay. So we have two sets of records that I'm going
22 to ask you about; Government's Exhibit 35 and Government's
23 Exhibit 165. Both sets of records deal with William Stone's
24 two telephones. Are you aware of those records?

25 A. Yes, sir.

1 MR. BUSCH: Your Honor, at this time the
2 government will offer Government's Exhibits 35 and 165 --
3 actually, 165 is a duplicate of Defendant Stone's 165, I
4 believe. It was already admitted.

5 THE COURT: Great. Thank you.

6 Any objection?

7 MR. GALLIAN: No objection.

8 MR. WESTFALL: No objection, Your Honor.

9 THE COURT: They are admitted.

10 Q. If we would pull up Government's 35 and go to page 2,
11 please.

12 Mr. Gray, do you see the record before you?

13 A. Yes, sir.

14 Q. And these records reflect which account?

15 A. William Stone's account.

16 Q. Okay. And the phone number ending in -- in court,
17 generally we just do the last four digits -- ending in the
18 2932. Do you see that?

19 A. Yes, sir.

20 Q. All right. And if you would look at -- pull up
21 page 108, please. And looking at that record, do you see that
22 it reflects records regarding a different phone number ending
23 in 2863?

24 A. That's correct, yes, sir.

25 Q. Okay. And now if we go to Government's Exhibit 165.

1 And let's start with page 23, please.

2 Okay. Do you see the record that I'm showing
3 you?

4 A. Yes, sir.

5 Q. Okay. Is this record similar to the other records
6 that we've already looked at?

7 A. Yes, sir.

8 Q. This is the way Verizon generates its records. What
9 are the things that are reflected on the typical phone record,
10 and specifically about the records that you see before you, if
11 you just start from the left column and move your way across?

12 A. Okay. Basically on a typical bill we provide the
13 date, the time, phone number that a call was made to or coming
14 from. We list out some billing aspects, in terms of the Rate
15 and the Usage Type column. And then we do a destination -- or
16 an Origination and a Destination column. And then a Duration
17 column.

18 Q. Okay. The time, is that the -- how is that item
19 added to these bills; what time zone is used?

20 A. The way it's configured is basically it goes off the
21 billing address for the account. Since the account was out of
22 the Central time zone, then it's Central time zone.

23 Q. So if someone uses that phone in the Eastern time
24 zone, it would still reflect the Central time zone?

25 A. Correct.

1 Q. Okay. And the Origination, what does that column
2 tell us?

3 A. Basically Origination column is a generalization on
4 where the device was when a call was made or received.

5 Q. Okay. So if we look at the very first line entry, it
6 appears that a call was made in the Washington, D.C. area?

7 A. Correct.

8 Q. Okay. And if we move down, we see McLean, Virginia,
9 Reston, Virginia; suburbs of Washington, D.C.?

10 A. Correct.

11 Q. Okay. All right. Let me direct your attention now
12 to page 23.

13 And if we would begin -- the bottom half of the
14 page, please. What is the date that begins on this page?

15 A. On this page? October 28th.

16 Q. All right. And this is October 28th, 2015, or do you
17 want me to go back to the -- the first billing.

18 If we could go back to -- scroll back to the --
19 okay.

20 (Brief interruption.)

21 Q. Okay. Do you see there's a due date that we now see
22 on the top of this page; it says September 14th, 2015?

23 A. Correct, yes, sir.

24 Q. And it says it's page 6 of 8. Okay. If we scroll
25 down -- let's just scroll down page by page.

1 Okay. And looking at this page, we see a due
2 date of October 14, 2015. So if we look at the Date column on
3 the left, and it says September 8th for the first one, would
4 that be September 8th of 2015?

5 A. That would be correct, yes, sir.

6 Q. And if we go back to page 23, please. And start
7 about halfway down the page. I'm going to direct your
8 attention to -- beginning around 10:20 a.m. on October 29th.
9 Do you see that line?

10 A. 10/29?

11 Q. Yes, sir.

12 A. Yes.

13 Q. Okay. And what's the origination for that first call
14 at -- at 10:20 a.m.?

15 A. 10:20 a.m. The origination is Salem, Virginia.

16 Q. And the call below it?

17 A. Christians, Virginia.

18 Q. Okay. And then the call below that?

19 A. Gary -- or Gray, Tennessee.

20 Q. Does it appear that the person using that phone is on
21 the move?

22 A. I would surmise, yes.

23 Q. Okay. And so it's approximately from Christians,
24 Virginia, to Gray, Tennessee. So it's about three hours that
25 had elapsed, if we look at the time on the left, right?

1 A. From the calls, yes.

2 Q. Okay. And then the -- the next call at 2:49, that's
3 in -- what's the origination of that call?

4 A. Knoxville, Tennessee.

5 Q. Okay. And if we continue on down, we see other areas
6 in Tennessee. And then we get down to Wheatley, Arizona. So
7 does it look like someone -- does this appear -- with the time
8 lapse from these calls, does it appear that someone's actually
9 driving their car from the Washington, D.C. area, down to the
10 very last one here that we see on this page is Quinlan, Texas?

11 A. Correct.

12 Q. Okay. So that's one way to just see where somebody
13 is as they're moving, right?

14 A. Yes.

15 Q. Okay. If we go to the next page. And so then we see
16 some addresses here. Some originations in the -- what we call
17 the Dallas/Fort Worth area. Do you see that Rockwall, Texas?

18 A. Yes, sir.

19 Q. And then you see Southlake, Irving, Texas, all on
20 October 30th at this point?

21 A. Correct, yes, sir.

22 Q. Okay. All right. Now, I'm going to direct your
23 attention to Government's 165, page 428. All right. I'm going
24 to direct your attention to the -- the bottom third of the
25 page, please. All right. Starting at -- on June 18th -- and

1 again, I'll represent to you that -- well, let's go up and
2 we'll see what -- the date we see on these bills.

3 Do you see the billing period at the top of this
4 part of the exhibit?

5 A. Yes, sir.

6 Q. Okay. Would you tell us what that is?

7 A. May 20th, 2019, to June 19, 2019.

8 Q. Okay. And if we go back to page 428. So on the left
9 side, if we see "June," we're talking about June of 2019?

10 A. That's correct.

11 Q. Yeah, 2019, right?

12 A. Yes, sir.

13 Q. Okay. And if we highlight it again, I just want to
14 direct your attention to four calls starting at 9:04 a.m.

15 A. Yes, sir.

16 Q. And what number appears to be the number that was
17 called?

18 A. (989) 256-0246.

19 Q. And what is the origination or the location of the
20 person making those calls on that phone?

21 A. I guess it's pronounced Colleyville, Texas.

22 Q. Right. Okay. And the next column, Destination, what
23 does that column tell us?

24 A. Basically the Destination column is just derived from
25 the first six digits of the phone number that was dialed. So

1 either it will say "incoming," like some of the rows above it;
2 meaning it was an incoming call from someone else to the phone.
3 In this particular case, it says Gladwin, Michigan. It's
4 derived from the first six digits of the phone number that was
5 dialed. So that (989) 256 apparently resides out of Gladwin,
6 Michigan.

7 Q. Does that mean that that number or whoever was on the
8 other end, if there was somebody, was at that location, or it
9 could be anywhere?

10 A. Correct, it could be anywhere. It's just derived
11 from the phone number itself.

12 Q. Okay. So that destination doesn't tell us the actual
13 destination of a call; it just refers to the first six digits
14 of the call?

15 A. Correct.

16 Q. Okay. Of the call number, okay. And so the -- the
17 first three calls there that were highlighted, of those four,
18 they appear to be one minute in duration; is that right?

19 A. Correct.

20 Q. Okay. And then the fourth one on June the 18th at
21 9:16 a.m., appears to be a 95-minute call?

22 A. Correct.

23 Q. Am I reading that right?

24 A. Yes, sir.

25 Q. Okay. And they all -- the number that was called all

1 ends in that 248 -- 0246?

2 A. Correct.

3 Q. Okay. Okay. So if -- I want to direct your
4 attention now to page 460, if I could, of the same exhibit.

5 And if we just look at the top first. Would you
6 tell us the billing period for this page and the pages that
7 immediately follow?

8 A. Yes, sir. August 20th, 2019. September 19, 2019.

9 Q. Okay. And if we just highlight the top third of this
10 page. I'm going to direct your attention to one of the calls
11 specifically. It's August 30th. And again, this was 2019,
12 right?

13 A. Correct.

14 Q. Okay. At 4:46 p.m. Do you see that?

15 A. Yes, sir.

16 Q. And it was a -- it was a call made to a number ending
17 in 8559?

18 A. Yes, sir.

19 Q. Okay. What is the origination of that call?

20 A. Colleyville, Texas.

21 Q. Is it possible that the person making that call was
22 in fact in Benghazi, Libya, at the time?

23 A. No, not based on the records that we have.

24 Q. Okay.

25 MR. BUSCH: Nothing else, Your Honor. Thank

1 you. No further questions.

2 CROSS-EXAMINATION

3 BY MR. GALLIAN:

4 Q. Mr. Gray, my name is Gregg Gallian. I've got some
5 questions for you, okay?

6 A. Yes, sir.

7 Q. In preparation for your testimony today, the exhibits
8 that Mr. Busch just went through the exhibit numbers with you,
9 did you review those exhibits in their entirety?

10 A. The exhibits, no. My -- the records that Verizon
11 produced, yes.

12 Q. Okay, great. I'd like to pull up Stone's 165. And
13 we can jump to page 638, please.

14 All right. So -- perfect. What we see here in
15 these Verizon records is that the mailing address for this bill
16 summary is the Federal Bureau of Investigation in Washington,
17 D.C.; is that right?

18 A. Can you do a little zoom in? It's a little --

19 Q. Sure. Yep, perfect.

20 A. Yes, sir.

21 Q. Okay. And if we back out of that and we go to the
22 top right where it says quick bill summary, and then it gives a
23 date range after that.

24 And so what this summary says is that we're
25 going to show all of the call entries from October 24th through

1 November 23rd; is that right?

2 A. Correct.

3 Q. Okay. Is there anything -- oh, here we go. One more
4 time, I'm sorry. If we look down at the bill date on that
5 bottom fold line. Right there.

6 And it's common for Verizon customers to have
7 the bill date being that last day of the call records; is that
8 fair?

9 A. Correct.

10 Q. Okay. Now, if we go from this to page 640. Now, we
11 know that the bill date was November 23rd. We agree on that,
12 right?

13 A. Correct.

14 Q. And if we subpoenaed all call records relating to
15 this number, but the call entries stop on October 27th, 2015,
16 is that consistent with a number that's no longer in service?

17 A. Not necessarily.

18 Q. Okay. What would be the reasoning for the call
19 records to stop?

20 A. Could be various. If there's no calls made, then
21 there's no records.

22 Q. Okay. Well, there's plenty of space underneath for
23 more additional records on the 28th, 29th and 30th on this
24 page, right?

25 A. It would also come down to the day range of the

1 subpoena, in terms of the information that we would provide.

2 Q. Sure. If I represent to you that the date range for
3 the subpoena was 2015 to 2020, and the records stopped here,
4 would that be consistent with the number that's no longer in
5 service?

6 A. Yeah, I don't -- the records right here don't reflect
7 that, so I wouldn't be able to properly determine that.

8 Q. Okay. But if there are no records, then you and I
9 can't ever confirm one way or another whether that number is
10 still in service, right?

11 A. I don't have anything to show that it's not in
12 service, no.

13 Q. Okay. The call summary that was sent to the FBI for
14 the date range of November 20th -- or November -- 23rd, if the
15 billing entries or the call entries stop on the 27th, something
16 happened to that phone, right?

17 A. Not necessarily. I mean, it's calls. So if someone
18 doesn't use a phone, then there's no calls.

19 Q. Okay. So what we can agree on then if I understand
20 you correctly, is that there are no more calls from this number
21 for the rest of the billing time?

22 A. At least on this particular bill. If there is no
23 others, then I would gather so.

24 Q. Okay.

25 MR. GALLIAN: Thank you very much. Appreciate

1 it.

2 I'll pass the witness.

3 MR. WESTFALL: May I have just a moment?

4 THE COURT: Certainly.

5 (Sotto voce discussion.)

6 CROSS-EXAMINATION

7 BY MR. WESTFALL:

8 Q. Tell me your name again.

9 A. Timothy Gray.

10 Q. Timothy?

11 A. Yes.

12 Q. I'm Greg Westfall. Good to meet you. Where did you
13 come from?

14 A. Tampa, Florida.

15 Q. All right. Very good. I want to make sure I
16 understand how these records work, okay?

17 A. Sure.

18 Q. Now, the origination, you say that is the person
19 using the phone, that's where that phone is located?

20 A. For that phone number, yes.

21 Q. Okay. Generally?

22 A. Yes.

23 Q. So it -- is that like the switch that gets used or is
24 that an identification of how we get into the system? I mean,
25 what -- why does it pick up our -- our place?

1 A. It's off of the cell towers in that location, in that
2 area.

3 Q. Okay. And so McLean, Virginia, the phone might have
4 been in some little town right next to McLean, Virginia, do you
5 think?

6 A. It technically can, yes.

7 Q. Okay. I can't hear you very well.

8 A. It technically can, yes.

9 Q. Okay. So if you were in Texas, though, you would
10 never be calling through McLean, Virginia, would you?

11 A. That's correct, you would not.

12 Q. So if you're in Austin, Texas, you are -- it's going
13 to say, Origination: Austin, Texas?

14 A. That, or whatever the surrounding area is labeled,
15 yes.

16 Q. Yeah, so you're from Tampa?

17 A. Correct, yes, sir.

18 Q. And now, Tampa's about 55 miles north of Sarasota,
19 right?

20 A. Yeah.

21 Q. And so if I'm in Tampa and I make a phone call, if --
22 with a Verizon, is -- is it going to say that I made that call
23 from Sarasota?

24 A. I live in Tampa, and I frequent Sarasota a lot. So
25 it would say Sarasota.

1 Q. Okay. But if I'm in Tampa, will it go through a
2 Sarasota switch?

3 A. No, we don't have a switch in Sarasota.

4 Q. Okay. So the origination -- this thing can
5 distinguish between an origination in one town versus an
6 origination in another town unless those towns are right next
7 to each or very close; isn't that true?

8 A. Well, it's based off of where the cell tower is.

9 Q. Right. But isn't it true -- I mean, it's the largest
10 5G network in the world, right?

11 A. So wherever the tower is, then it would base off of
12 that.

13 Q. Right. But there's lots of towers?

14 A. Correct.

15 Q. And they interlock?

16 A. Uh-huh.

17 Q. So there's tons of towers. And then for -- for all
18 those towers, there's going to be fewer switches, where all the
19 phone -- all the signals go in and go out over the wire?

20 A. Correct, the switch determines all of that, yes.

21 Q. But if we're in Tampa, we're not going to be using a
22 Sarasota switch; we're going to be using a Tampa switch.

23 A. We do a Tampa switch, but does not necessarily mean
24 that you're not using a cell tower in Sarasota.

25 Q. I'm not talking about a cell tower. Because the

1 person getting the call might be in Sarasota, right?

2 A. Correct, they could be anywhere.

3 Q. And then you would use that cell tower?

4 A. You would use a tower of where your device is at.

5 Q. Right. But these are billing records, these aren't
6 tower records?

7 A. That's correct, there's a difference.

8 Q. And so if I'm in Austin, Texas, the likelihood that
9 this is going to say McLean, Virginia, is like zero, right?

10 A. Correct.

11 Q. And if I'm in Washington, D.C., the likelihood that
12 this is going to say, you know, somewhere in the Dallas/Fort
13 Worth Metroplex is pretty much zero, correct?

14 A. Correct.

15 Q. And you say Austin, Texas, let's say that's about
16 from Tampa to Jacksonville, okay? The chances that I'm in
17 Tampa and I get a Jacksonville origination are going to be
18 pretty much zero, right?

19 A. Correct.

20 Q. Okay.

21 MR. WESTFALL: Could we go down just a little
22 bit.

23 Q. Now, this incoming call, so this means that the phone
24 is in McLean, Virginia, right?

25 A. Correct.

1 Q. And it's receiving a telephone call?

2 A. Correct.

3 Q. And then in order to figure out kind of where that
4 number comes from, you would have to look over here at the area
5 code information?

6 A. Correct.

7 Q. And that's the way it -- that's the way an incoming
8 call's going to look on this?

9 A. Correct.

10 Q. Okay.

11 MR. WESTFALL: I think that's all. Thank you
12 very much.

13 THE COURT: Okay.

14 REDIRECT EXAMINATION

15 BY MR. BUSCH:

16 Q. Mr. Gray, I just Googled the distance between
17 Colleyville, Texas, and Austin, Texas. I know you're not
18 familiar with the area here, but it's over 200 miles.

19 A. Okay.

20 Q. And I'll represent there a number of cities in
21 between.

22 A. I would gather so.

23 Q. Some bigger and some smaller. Is there any chance
24 whatsoever that a call originating -- if the bill says
25 Colleyville would be actually in Austin, Texas, over 200 miles

1 away with all the towers in between?

2 A. Based on you telling me it's 200 miles, no.

3 MR. BUSCH: All right. No further questions.

4 THE COURT: Anything further from Mr. Stone's
5 team?

6 MR. GALLIAN: No, Your Honor.

7 MR. WESTFALL: No, Your Honor.

8 THE COURT: Any objection to me excusing this
9 witness?

10 MR. GALLIAN: No objection.

11 MR. WESTFALL: No objection.

12 (Witness excused.)

13 (Jurors exit courtroom.)

14 THE COURT: Okay. So outside the presence of
15 the jury, the Court's taken a quick stretch break. The jury's
16 not present. Defense counsel and the prosecutor and the Court
17 have briefly gone over the admission of some calendars; is that
18 right?

19 MS. MAX: Yes, Your Honor.

20 THE COURT: Okay. If you don't mind laying out
21 for the record what they are, that would be awesome.

22 MS. MAX: With this next witness, Don Stoner,
23 the Government will be moving to introduce for record purposes
24 Government Exhibit 92, 93, 94, 95, 96, 97 and 98. They are day
25 planners spanning 2015, 2016, 2017, 2018, 2019, and then two

1 for 2020. The day planners search was executed on June 18th,
2 2020, at the home of Bill Stone. This witness recovered the
3 calendars from various locations within the home.

4 THE COURT: Okay. And so, Defense counsel,
5 again we're outside the presence of the jury, this Court, based
6 on the representations of officers of the court off the record
7 believes that this is a witness who can get them over the
8 authentication hurdle; say it is what we think it is. And so
9 I'm prepared to allow them to conditionally admit them and not
10 publish them, so that the parties can get together this evening
11 and see what you guys can resolve. And then what you can't
12 resolve, the Court is happy to tee up in the morning and
13 referee and make a final ruling on.

14 Is that acceptable to you? Or if you have any
15 objection, please feel free to lay it out. And you can have a
16 speaking objection because the jury's not here. You can get it
17 all out.

18 MR. GALLIAN: Thank you, Your Honor. So we
19 object globally for two reasons. The first reason that we
20 object is under authenticity grounds. The evidence will show
21 that these were planners that were seized during a search
22 warrant at our client Bill Stone's house. Some of the planners
23 were found under a trash can liner; other planners were found
24 in other areas of the home.

25 I don't believe that the government can meet the

1 threshold, though low. I don't believe that they can meet the
2 threshold as required to authenticate that they are indeed Bill
3 Stone's planner. They don't have handwriting samples; they
4 don't have an agent who's familiar with Bill Stone's
5 handwriting. And so on those grounds, we object.

6 The other objection that we have is to
7 relevance. I think that we've come together and got a good
8 list of redactions that isn't inappropriate 404(b). Also isn't
9 irrelevant or inflammatory information. But two of the
10 planners, as Ms. Max just pointed to, are from 2020. That's
11 outside the indictment time frame. We don't think that they
12 have any relevance in this case. And, therefore, we object on
13 those grounds as well for the planners, two of them,
14 Exhibits 97 and 98, which are planners from 2020.

15 THE COURT: All right. Do you join in this
16 objection?

17 MR. WESTFALL: We have no objection.

18 THE COURT: All right. So I think what I will
19 do is allow the government to conditionally -- I mean, we're
20 just marking them for the record today. So allow it to be
21 conditionally admitted for record purposes. I do have some
22 concerns about 404(b) and being outside of the indictment time
23 frame. So if you guys will see if you can reach an agreement
24 tonight. If not, I'm happy to rush that up in the morning
25 before the jury comes in.

1 And so if we can get up to before that point,
2 and not mention the 2020 stuff, then I'll take a look at that
3 in the morning, if you guys can't agree.

4 Does that sound good?

5 MR. GALLIAN: One further thing. I am not an
6 appellate attorney. I am not smart enough to be in that realm.
7 However, I need to renew my objections all the way through.
8 And so at the time that it's admitted for record purposes I
9 will object. I suspect you will overrule that, but that's why
10 I want to object.

11 THE COURT: And actually I will save you from
12 doing that. I will give you a running objection on this one so
13 that you don't have to object in front of the jury since I
14 think it will come in. And then you don't --

15 MR. WESTFALL: I don't like the way that you're
16 leaning, but...

17 THE COURT: Gotcha. And so well -- so I'll give
18 you a running objection. This is timely for any appellate
19 purposes as to authentication and relevance. And I'm going to
20 carry your relevance objection and rule on that in the morning
21 when I look at it.

22 MR. GALLIAN: Okay.

23 THE COURT: Does that sound good?

24 MR. GALLIAN: Yeah.

25 THE COURT: All right.

1 MS. MAX: And, Your Honor, in the morning is the
2 time we can present case law to you about the 2020 relevance --

3 THE COURT: Absolutely, yeah. I just figure
4 everybody's in the trenches right now, you're getting the
5 bullets that are flying at your face. And so, yeah, I'm happy
6 to take that up in the morning, when everybody's nice and fresh
7 and had a chance to look at the case law. And really, truly,
8 I'm not trying to lean on you both to reach an agreement. Some
9 things you got to have a ref to call, and I'm happy to do it.
10 But if we can just leave that on the cutting room floor today
11 and -- off the record.

12 (Off-the-record discussion.)

13 MS. MAX: For the record, since I'm not going to
14 reference the -- I mean, the way I was going to reference these
15 calendars on the record with this witness was by the date.

16 THE COURT: Okay.

17 MS. MAX: Since you've asked me not to reference
18 the two 2020 calendars, for the record, the two 2020 calendars,
19 the black 2020 calendar, for purposes of today, will just be
20 referenced as planner A, and the blue 2020 calendar will be
21 referenced as planner B.

22 THE COURT: Okay. That sounds good to me.

23 (Brief recess.)

24 THE COURT: Outside the presence of the jury,
25 the Court has been notified that the prosecution -- that

1 you-all are -- instead of go by -- instead of mentioning that
2 it's a calendar, you're going to call it 96 and 97; is that
3 right?

4 MS. MAX: 97 and 98.

5 THE COURT: 97 and 98. And just to make clear,
6 Defense counsel has laid down -- Defense counsel of Mr. Stone
7 has laid down an objection to relevance and to authentication.
8 The Court is going to carry both of those objections and rule
9 on them tomorrow. And deal specifically with the issue of
10 relevance, those are timely and preserved, even if he doesn't
11 reurge them in the presence of the jury.

12 MR. GALLIAN: That's perfect, Your Honor. Thank
13 you so much.

14 THE COURT: You're welcome.

15 (Jurors enter courtroom.)

16 THE COURT: Your witness, Ms. Max.

17 DON STONER,

18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. MAX:

21 Q. Ranger Stone, why don't you introduce yourself to the
22 jury. What do you do for a living?

23 A. I'm currently employed by the Texas Department of
24 Public Safety. I'm a Lieutenant with the Texas Ranger
25 Division, stationed in Weslaco, Texas.

1 Q. And how long have you been a Texas ranger?

2 A. Almost 14 years with the rangers. I've been with the
3 department of public safety a little over 28 years.

4 Q. Briefly tell the jury what are some of your duties as
5 a Texas ranger.

6 A. As a Texas ranger, your primary responsibility is to
7 assist local law enforcement with major crimes: Homicide,
8 sexual assaults, corruption cases. We're the primary
9 investigators on a lot of officer-involved shootings. And any
10 time where we're called in by the state or local officials to
11 assist with major crimes.

12 Q. And back in 2020, where were you stationed for the
13 Texas rangers?

14 A. I was stationed in Cleburne, Texas, at the time.

15 Q. And what were some of your duties or assignments at
16 that time?

17 A. Primarily to function as a Texas ranger, working a
18 case load. I was also on the major crime investigation group;
19 worked crime scenes, mass casualty events. Anywhere in the
20 state where we had a mass casualty event, I'd be called to
21 assist with that.

22 Q. Were you a team leader for hostage negotiations?

23 A. Yes, for hostage negotiation and assistant team
24 leader for the crime scene team.

25 Q. Explain to the jury what it means to be on the crime

1 | scene team.

2 A. So the -- we have the state crime scene team composed
3 of individuals who had some specialized training. Every
4 ranger's trained in crime scene investigation; however, to be
5 on the major crime scene team, we are sent to Knoxville,
6 Tennessee, to the National Forensics Academy, a ten-week
7 comprehensive criminal investigation, forensic investigation
8 school to -- kind of hits on all areas of forensic science for
9 criminal investigations.

10 Q. And were you involved in a search of the residence of
11 Bill Stone at 6812 Kennedy Drive, Colleyville, Texas, on
12 June 18th, 2020?

A. Yes, ma'am, I was.

14 Q. And were you involved with that search because of
15 your role on the crime scene team?

16 A. Yes, ma'am.

17 Q. Just tell the jury a little bit about when you're
18 going to execute a search warrant on a residence. What do you
19 do to prepare, what does the crime scene do to prepare -- crime
20 scene team do to prepare?

21 A. Generally we get with whatever case agent -- in this
22 case we had a lead ranger that was in charge of the -- this
23 particular investigation, to get -- get --

24 (Brief interruption.)

25 Q. I'm sorry, we were talking about how do you -- how

1 does the crime scene team prepare for the execution of a search
2 warrant on a residence like Mr. Stone's?

3 A. Like I was saying, we get with the lead ranger or
4 case agent, whoever we're assisting, get some details of what
5 type of investigation we're executing the search warrant on.
6 We're going to review the search warrant to see what type of
7 evidence we're looking for and then the -- we're going to
8 execute that search warrant. Generally we'll do a walk-through
9 video of the residence ahead of time to just show the residence
10 as we saw it when we walked in. That's generally in acts of
11 homicidal violence, stuff like that. And then we'll slow down
12 and start taking pictures room to room to show the scene as we
13 found it. And then we'll start doing our evidentiary
14 photographs, midrange photographs, close-up photographs and do
15 the crime scene search.

16 Q. So for the search of Bill Stone's residence, were you
17 responsible for taking photographs of the scene?

18 A. Yes, ma'am, I was.

19 Q. Were you also responsible for seizing physical
20 evidence that would be in line with what y'all were authorized
21 to do via the search warrant?

22 A. Yes, ma'am.

23 Q. Okay. When you seize a piece of evidence, what's the
24 process that you go through to do that?

25 A. First, we're going to mark the piece of evidence,

1 we'll photograph the piece of evidence. Generally where we
2 find it. We will collect the evidence. Place it in some type
3 of packaging, depending on what type of evidence it is. Some
4 evidence has to be in -- biological evidence will need to be in
5 paper. We can put in it plastic or what have you.

6 And then we will seal that evidence and mark it
7 for future reference usually with time date and initials.

8 Q. When you arrived at the Stone residence on June 18th,
9 were you the first Texas ranger there?

10 A. No, ma'am, I was not.

11 Q. Okay. Had any searching occurred yet when you
12 arrived?

13 A. No.

14 Q. Now, you took many photographs from the search; is
15 that correct?

16 A. That is correct.

17 Q. And you've reviewed those as Government's Exhibit 89?

18 A. That's correct.

19 Q. And do those photographs fairly and accurately depict
20 the residence and the items that you saw on that day?

21 A. Yes, they do.

22 MS. MAX: Government moves to admit Government
23 Exhibit 89.

24 MS. GALLIAN: No objection.

25 MR. WESTFALL: No objection, Your Honor.

1 THE COURT: Admitted.

2 Q. So we're looking at 89-1. What is this first photo
3 of?

4 A. It's a -- a photo placard. I use these a lot of
5 times out in the field. I may be called to one case and then
6 immediately get called to another case, an officer involved
7 shooting, homicide or whatever. So these kind of break up the
8 series of photographs on my digital camera. It also gives me
9 a -- a -- the time and date of when I started the photograph
10 process.

11 Q. So does this photo ID card reflect that you are at --
12 these are photos of 6812 Kennedy Drive, Colleyville, Texas?

13 A. Yes.

14 Q. And what is the date and time that you started your
15 photography?

16 A. 6/18 of 2020. It -- I originally wrote 8:45 and
17 realized my time was off. And I wrote 8:30 at the bottom.

18 Q. 8:30 a.m.?

19 A. Yes, ma'am.

20 Q. Let's go to page 2. What is this a photograph of?

21 A. That is a photograph of the front of the residence.

22 Q. Page 5. Tell the jury what we're seeing here.

23 A. Looking at the front of the residence, this wo

23 A. Looking at the front of the residence, this would be
24 around the corner on the right side. This was a picture of the
25 garage.

1 Q. Okay. And what do we see located inside the garage?

2 A. Two vehicles. One appears to be a Mercedes sedan and
3 a Toyota pickup.

4 Q. Can we go to page 6. Is this a close-up of the
5 Mercedes?

6 A. Yes, it is.

7 Q. And can we go to 7. Is that the Tacoma?

8 A. It is.

9 Q. And let's go to page 10. And what is this a picture
10 of?

11 A. That is a picture inside I believe the Tacoma.

12 Q. And why do you photograph the inside of the vehicle?

13 A. Again -- well, this -- before we search a vehicle, we
14 take overall photographs inside how we found it. These
15 vehicles were going to be taken away from the scene, so I
16 wanted to document those before they were taken away so I knew
17 what they looked like before they were taken.

18 Q. Are you also documenting what was in the vehicle at
19 the time that it was seized?

20 A. Yes.

21 Q. Page 11. What is this?

22 A. I'm opening the console just to -- so I can document
23 the items as -- as they were left so I know if there was any
24 items before that search was conducted, and I know exactly how
25 that was found. And I can go back in my photographs and look

1 to see what it look like.

2 Q. And page 17. What is this a photograph of?

3 A. The interior of the Mercedes.

4 Q. Page 24. Is this a photograph of the outside of the
5 house?

6 A. Yes.

7 Q. Why did you take this photograph?

8 A. There was indications that it took a little time for
9 Mr. Stone to respond to the commands of the officers when they
10 arrived. And I documented that there was a video camera system
11 on the outside of the residence.

12 Q. Is that what we see above the window there?

13 A. Yes.

14 Q. And page 25. And why did you document the front
15 door?

16 A. For the same purposes, there's a Ring camera at the
17 front of the door.

18 Q. Page 26. What are we seeing here?

19 A. This is a -- the beginning of the walk-through
20 photographs. This is just standing at the front door taking a
21 picture inside the residence.

22 Q. Page 27. And what is this a photograph of?

23 A. This is turning slightly to the right, where you can
24 see into the kitchen.

25 Q. So to orient us to the house, are you standing at the

1 front door right now?

2 A. Yes, just inside the front door.

3 Q. Okay. And page 29. Where are you standing to take
4 this photograph?

5 A. I'm back -- if you were in that kitchen against that
6 back wall, I'm back towards that back wall taking a picture
7 back towards the front door area. So you can see the little
8 dining area off to the side.

9 Q. Page 30.

10 A. That's just moving to another corner to try to get
11 overall photographs of everything.

12 Q. And page 80. Is this the kitchen?

13 A. Yes, that's the kitchen area.

14 Q. 81. What do we see here?

15 A. So the picture where I was standing looking at the
16 front door, this is just turned back to the left taking a
17 picture through the kitchen towards I guess a living room area.

18 Q. And to clarify we see a -- a gun propped up in the
19 corner on this picture. Do you know is that something that was
20 brought in by the rangers that day or was that present at the
21 home?

22 A. No, that was present at the home.

23 Q. And 88. Is this standing inside the kitchen looking
24 back at the living area?

25 A. Yes, it is.

1 Q. 89. Is this a picture of the back living area?

2 A. Yes.

3 Q. Let's go to 35. Did the home have three bedrooms?

4 A. It was -- I would guess would be considered a
5 three-bedroom house. One room was set up as an office.

6 Q. Okay. So looking at 35, is this one of the bedrooms?

7 A. Yes, as you entered the residence, from that front
8 door, there's a small hallway to the left. And immediately to
9 the -- take another left there was -- at the front of the
10 residence, there's a bedroom there.

11 Q. And 39. What is this a photograph of?

12 A. This is the bathroom connected with that residence --
13 I'm sorry, with that -- with that bedroom.

14 Q. And 50. What is this a picture of?

15 A. This is the -- a middle bedroom.

16 Q. And -- go ahead.

17 A. So the one to the -- the very front of the house
18 there was a bedroom. You walked down the hallway just a short
19 distance there was another bedroom -- or what would be a
20 bedroom. And it just had storage in that bedroom. And then at
21 the very end of that hallway, would have -- is the office.

22 Q. Now, to be clear, with this bedroom, is this a
23 photograph that has been taken before any searching has been
24 done?

25 A. That's correct.

1 Q. Okay. So this is the state that the bedroom was in
2 prior to any officers searching?

3 A. Correct.

4 Q. And why is it important for you to capture
5 photographs prior to you searching the residence?

6 A. Well, there's several reasons. I mean, to -- if
7 there's claims of damage to property or whatever, we want to
8 document that. We want to document the -- the conditions of
9 evidence before it's handled by officers. So there's several
10 reasons why we do that, but we want to document everything
11 before and after the seizure.

12 Q. Can we see 54. Is this another view of that bedroom?

13 A. It is.

14 Q. And again, no searching has been done at this point?

15 A. Not at this point.

16 Q. And 60. What is this a photograph of?

17 A. This is another bedroom -- I'm sorry, bathroom. On
18 that -- just on that hallway.

19 Q. Now, we see the doors open and the toilet seat up.
20 Is that something that officers did or is that the state it was
21 found?

22 A. I don't know about the toilet seat. But the -- the
23 cabinets were opened up just to document what was inside the
24 cabinets. These were overall photographs, so rather than
25 taking five photographs of -- just took one.

1 Q. Okay. 98. What is this a photograph of?

2 A. This would be the master suite. So from the kitchen,
3 you go into that living room area, and then just off that
4 living room area was an entrance to the master bedroom.

5 Q. And 99. This is another picture of the bedroom?

6 A. It is.

7 Q. And 101. Is this the bedroom from a different
8 viewpoint?

9 A. Yes, it is.

10 Q. 105. What is this a picture of?

11 A. The bathroom just off the master suite.

12 Q. 107. What is this a photograph of?

13 A. This would be the closet that is attached to that
14 master bathroom.

15 Q. And again, no searching has been done at this point?

16 A. Not at this point, no.

17 Q. 109. Is this another angle of that same closet?

18 A. Yes, it was kind of hard to get in there, just trying
19 to take pictures of the entire closet, so...

20 Q. Why was it hard to get in the closet?

21 A. It was kind of in disarray.

22 Q. Was it full?

23 A. It was pretty full, yes.

24 Q. 110. Same closet?

25 A. Yes, it is.

1 Q. 115. Is this the floor of the closet?

2 A. It is.

3 Q. And 116. Same closet?

4 A. Yes.

5 Q. Let's go to 65. Tell us about this room.

6 A. So the -- the hallway to the left side from the
7 entrance, this is looking all the way down and this is the
8 office.

9 Q. And again, this photograph no searching has been done
10 at this point, correct?

11 A. That is correct.

12 Q. 66. Closer view of the office?

13 A. Yes, just stepping just inside the doorway.

14 Q. And 67. What is this a picture of?

15 A. It's a wooden plaque kind of frame. It was up on the
16 bookshelf behind the desk.

17 Q. Are you able to read the writing on it?

18 A. Let me get back a little bit. Better is poor man who
19 walks in his integrity than a rich man who is crooked in his
20 ways.

21 Q. Okay. Is there a reason you photographed this plaque
22 in particular?

23 A. I took pictures of that, and I -- given the nature of
24 the case, I -- I thought that was unique.

25 Q. Okay. 69. I still have the office here in 73?

1 A. Yes.

2 Q. At this point are you starting to conduct a search?

3 A. No, it was just taking photographs of the items on
4 the desk.

5 Q. Okay. And what do we see in the left-hand corner
6 here on the screen?

7 A. The bottom left-hand corner is some type of calendar.

8 Q. Some type of calendar, okay. Let's go to 74. Is
9 this just more of the desk?

10 A. More of the desk, yes.

11 Q. Let's go to 135. Tell the jury what we're looking at
12 here.

13 A. So this is the closet attached to that office, the --
14 what would be a bedroom closet, and there was a safe inside
15 that closet.

16 Q. Was the safe open?

17 A. It was not opened at the -- the time of the search --
18 when we entered our overall photographs, there was no -- the
19 safe was closed.

20 Q. And when you say it was closed, does that mean it was
21 locked?

22 A. It was locked, yes.

23 Q. So how did you gain entry to the safe?

24 A. Mr. Stone opened the safe.

25 Q. Okay. What else are we seeing in this photograph as

1 far as the pictures that we see there, the number 4 and the
2 number 5?

3 A. Yeah, our crime scene markers, for demonstrative
4 purpose, showing what item numbers are inside that safe that we
5 are going to be seizing.

6 Q. Let's go to 138. Is this marking -- what are we
7 seeing here?

8 A. So those were the items that we were marking. Two
9 cellular telephones. I took them out of the safe, placed them
10 on the ground next to the marker so you could see what item
11 numbers they were.

12 Q. So let's go back to 136 real quick. So in 136, are
13 the phones actually still there in the safe?

14 A. Yes, they are.

15 Q. And then in 138, you've removed them?

16 A. That's correct.

17 Q. Okay. So at this point are you seizing evidence?

18 A. At -- well, I'm -- documenting evidence. I hadn't
19 seized anything at this point. Just marking and taking
20 photographs of the evidence.

21 Q. Explain to the jury, once you seize physical
22 evidence, how do you keep track of it all, how do you organize
23 it?

24 A. In this particular search, we actually had another
25 ranger with a computer that was logging in all the evidence we

1 seized. And created a crime scene seizure form.

2 Q. So you ended up creating an inventory; is that
3 correct?

4 A. That is correct.

5 Q. And you've reviewed Government's Exhibit 59, which is
6 the inventory that you created that day at Bill Stone's
7 residence; is that right?

8 A. Yes, ma'am.

9 MS. MAX: At this time, Government moves to
10 introduce Government Exhibit 59.

11 MS. GALLIAN: Judge, we object. And I think we
12 probably need to discuss something outside the presence of the
13 jury.

14 THE COURT: All right.

15 Members of the jury, why don't we wrap up an
16 extra 15 minutes early; how does that sound? We'll get you out
17 by 3 o'clock.

18 (Off-the-record discussion.)

19 (Jurors exit courtroom.)

20 THE COURT: Please be seated. Outside the
21 presence of the jury, yes, ma'am.

22 MS. MAX: Your Honor, speaking with Defense
23 counsel, there is a redaction that needed to be made from
24 Government's 59, as well as the fact that there is reference to
25 the not-yet-admitted calendars. So my suggestion to Defense

1 counsel was, as long as my witness can use this as reference
2 while he's on the stand, I will just admit it after the
3 calendars are admitted.

4 THE COURT: Redacted. Okay.

5 MS. GALLIAN: With the redactions.

6 MS. MAX: With the redactions, yes.

7 THE COURT: If that's acceptable, that sounds
8 good to me.

9 Are there any objections to the evidence by
10 Mr. DeLeon?

11 MR. WESTFALL: No, Your Honor.

12 THE COURT: Sounds good. I think we can break.
13 Everybody looks a little tired.

14 (Proceedings adjourned.)

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1 I, BROOKE N. BARR, United States Court Reporter
2 for the United States District Court in and for the Northern
3 District of Texas, Dallas Division, hereby certify that the
4 above and foregoing contains a true and correct transcription
5 of all proceedings in the above-styled and -numbered cause.

6

7 WITNESS MY OFFICIAL HAND this the 1st day of
8 August, 2023.

9

10

11

/S/ BROOKE N. BARR

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